

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

BK TRUCKING CO. et al., on
behalf of themselves and all
others similarly situated,

Plaintiffs,

v.

CATERPILLAR INC.,

Defendant.

HONORABLE JEROME B. SIMANDLE

Master Docket No.
1:14-cv-3722 (JBS/JS)

Civil Action
No. 13-2076 (JBS/JS)

ORDER

This matter comes before the Court on Defendant Caterpillar Inc.'s motion to dismiss for failure to state a claim filed January 15, 2014. [Docket Item 65.] The Court delayed decision on Defendant's motion in light of Defendant's motion to transfer before the Judicial Panel on Multidistrict Litigation. By order of the Judicial Panel on Multidistrict Litigation entered June 11, 2014, the above-captioned matter was coordinated and consolidated before the undersigned for pretrial proceedings with five related actions.¹ [Docket Item 77.] Following a case management conference on August 5, 2014, the Court entered an order directing Plaintiffs in all cases other than Salud, Windy City, and Tri-City Charter to file a Consolidated Amended Complaint not later than September 22, 2014. [Master Docket Item

¹ The consolidated action, Caterpillar Inc. C13 and C15 Engine Products Liability Litigation, Civ. No. 14-3722 (JBS/JS), now contains 15 related actions.

17.]² Because the above-captioned case is to be subsumed by the Consolidated Amended Complaint, and because the Plaintiffs have the opportunity to redraft or eliminate the challenged causes of action in the Consolidated Amended Complaint, the Court will administratively terminate the pending motions without prejudice to reinstatement by letter from Defendant after the Consolidated Amended Complaint is filed, if the issues raised remain in dispute.

IT IS this 14th day of **August, 2014**, hereby

ORDERED that Defendant's motion to dismiss for failure to state a claim [Docket Item 65] is **ADMINISTRATIVELY TERMINATED** without prejudice to reinstatement by letter from Defendant following filing of the Consolidated Amended Complaint, or by a new dismissal motion.

s/ Jerome B. Simandle
JEROME B. SIMANDLE
Chief U.S. District Judge

² Citations to the "Master Docket" refer to items docketed in Caterpillar Inc. C13 and C15 Engine Products Liability Litigation, Civ. No. 14-3722 (JBS/JS).